



S.S.N. 09/911,367

Atty. Dkt. No. 032026-0594

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: LANDIS *et al.*

Title: DIAZAPHOSPHACYCLES

Appl. No.: 09/911,367

Filing  
Date: July 23, 2001

Examiner: Jon D. Epperson

Art Unit: 1639

<p align="center"><b>CERTIFICATE OF MAILING</b></p> <p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: MAIL STOP Issue Fee, Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450, on the date below.</p> <p align="center"><b>Bernard P. Friedrichsen</b> (Printed Name)</p> <p align="center"><i>Bernard P. Friedrichsen</i> (Signature)</p> <p align="center"><i>February 20, 2004</i> (Date of Deposit)</p>
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**REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT  
DETERMINATION UNDER 35 U.S.C. § 154(b)(3)(B)(ii)**

MAIL STOP Issue Fee  
Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

Sir:

Applicants are in receipt of the Notice of Allowance dated February 10, 2004, allowing claims 24, 29-32, 37-39, and 44-47. The issue fee has not yet been paid for this application. Applicants thank Examiner Epperson for allowing the claims of the application. However, Applicants disagree with the Determination of Patent Term Adjustment (PTA) under 35 U.S.C. § 154(b) and present the following facts set forth in 37 C.F.R. § 705 to support their contention that the patent term adjustment should be 372 days based on the projected grant date instead of the 211 days calculated by the United States Patent and Trademark Office (USPTO).

**BASIS FOR THE ADJUSTMENT**

A Notice to File Missing Parts was mailed to Applicants on September 26, 2001, with a due date for response of November 26, 2001. Applicants filed a Response to the Notice to File Missing Parts on November 30, 2001, along with a Petition for One

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**Corrected Calculation of Patent Term Adjustment of 372 days**

Patent Term Adjustment Calculation System				
Docket Number: 032026-0594				
Application Number: 09/911367				
Patent Number: N/A				
Event Description	Event Date	Days from Filing	PTO Days	Applicant Days
Application Filing Date	07/23/2001	0		
Notice to File Missing Parts	09/26/2001	65		
Notice to File Missing Parts + 3 months	12/26/2001	156		
Response to Notice to File Missing Parts	01/11/2002	172		16
14 month From Application date	09/23/2002	427		
Restriction Requirement	09/10/2003	779	352	
Restriction Requirement Response Received at PTO	10/06/2003	805		
Restriction Requirement Response Filed + 4 months	02/06/2004	928		
Notice of Allowance	02/10/2004	932	4	
3 Year Period Starts	07/23/2004	1,096		
Projected Patent Grant Date	08/24/2004	1,128	32	
Totals:			388	16
PTA:			372	

Respectfully submitted,

Date February 20, 2004By Bernard P. FriedrichsenFOLEY & LARDNER  
Customer Number: 23524**23524**

PATENT TRADEMARK OFFICE

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